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Academy of Motion Picture Arts and Sciences

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 CENTRAL DISTRICT

12 ROMAN POLANSKI, an individual,

13 Petitioner,

14 vs.

15 ACADEMY OF MOTION PICTURE ARTS  
AND SCIENCES, a California nonprofit  
16 corporation,

17 Respondent.

Case No. 19STCP01398

**ACADEMY'S ANSWER TO VERIFIED  
PETITION FOR WRIT OF  
ADMINISTRATIVE MANDAMUS**

Assigned to the Hon. Mary H. Strobel  
Department 82

Petition Filed: April 19, 2019  
Trial Date: None Set

1 Pursuant to the provisions of California Code of Civil Procedure §§ 431.30(b) and 1089,  
2 respondent Academy of Motion Picture Arts and Sciences (“the Academy”) hereby answers the  
3 Verified Petition for Writ of Administrative Mandamus pursuant to California Code of Civil  
4 Procedure § 1094.5 (“Petition”). The Academy denies, generally and specifically, each and every  
5 allegation contained in the Petition, as follows.

6 1. Answering the introductory paragraph, the Academy admits that it terminated  
7 petitioner Roman Polanski’s (“Petitioner”) membership in the Academy. The Academy otherwise  
8 denies each and every allegation contained therein.

9 2. Answering Paragraph 1, the Academy admits Petitioner was invited to become a  
10 member of the Academy on December 31, 1968, as reflected in Exhibit A to the Petition, and that he  
11 thereafter became a member, but the Academy denies that Petitioner is currently a member of the  
12 Academy entitled to rights and privileges of members. The Academy is an honorary, volunteer  
13 association that retains broad discretion both to invite members and to suspend or expel members. In  
14 October 2017, in the wake of a series of revelations of mistreatment of women by Harvey Weinstein,  
15 who at that time was a member of the Academy, the Academy’s Board of Governors convened a task  
16 force to create a code of conduct governing membership standards. The task force consulted with  
17 professors of ethics, business, philosophy, and law from Georgetown, Harvard, Notre Dame, and  
18 Stanford, as well as experts in human resources and sexual harassment. In January 2018, the  
19 Academy approved and announced its Standards of Conduct, a statement of values that its members  
20 are expected to uphold:

21 **STANDARDS OF CONDUCT FOR MEMBERS:**

22 Academy membership is a privilege offered to only a select few within the global  
23 community of filmmakers. In addition to achieving excellence in the field of motion  
24 picture arts and sciences, members must also behave ethically by upholding the  
25 Academy’s values of respect for human dignity, inclusion, and a supportive environment  
26 that fosters creativity. The Academy asks that members embrace their responsibility to  
27 affirm these principles and act when these principles are violated. There is no place in the  
28 Academy for people who abuse their status, power or influence in a manner that violates  
recognized standards of decency. The Academy is categorically opposed to any form of  
abuse, harassment or discrimination on the basis of gender, sexual orientation, race,  
ethnicity, disability, age, religion, or nationality. The Board of Governors believes that  
these standards are essential to the Academy’s mission and reflective of our values.

1 If any member is found by the Board of Governors to have violated these standards or to  
2 have compromised the integrity of the Academy by their actions, the Board of Governors  
3 may take any disciplinary action permitted by the Academy's Bylaws, including  
4 suspension or expulsion.

5 On May 1, 2018, consistent with the Academy's Bylaws, ethical standards, and its stated  
6 opposition to any form of abuse or harassment, as reflected in the Standards of Conduct, the Board of  
7 Governors voted to end Petitioner's membership in the Academy by a two-thirds supermajority. In  
8 response to Petitioner's complaint that he was not given a fair hearing, the Academy invited Petitioner  
9 to submit any written information he believed was relevant to the Academy's consideration of whether  
10 he should or should not remain a member of the Academy. Petitioner presented a ten page letter from  
11 his lawyer advocating his position, over four hundred pages of supporting documents, a copy of a  
12 documentary titled *Roman Polanski: Wanted and Desired*, an email from his counsel, and a recorded  
13 video statement by Petitioner addressing the Board. All of these materials were presented to the  
14 Board of Governors, who voted on January 26, 2019 to uphold Petitioner's expulsion by a more than  
15 two-thirds supermajority.

16 3. Answering Paragraph 2, the Academy admits the allegations contained therein.

17 4. Answering Paragraph 3, the Academy admits it operates as a nonprofit mutual benefit  
18 corporation.

19 5. Answering Paragraph 4, the cited statutes speak for themselves.

20 6. Answering Paragraph 5, the cited statutes speak for themselves. The Academy  
21 otherwise denies each and every allegation contained in Paragraph 5.

22 7. Answering Paragraph 6, the Academy admits the allegations contained therein.

23 8. Answering Paragraph 7, the Academy admits that Petitioner was invited to become a  
24 member of the Directors Branch of the Academy on December 31, 1968 and that he thereafter became  
25 a member. The Academy otherwise denies each and every allegation contained in Paragraph 7.

26 9. Answering Paragraph 8, the Academy denies each and every allegation contained  
27 therein.

1           10.     Answering the first sentence of Paragraph 9, the Academy admits Petitioner was  
2 notified by letter but denies that Petitioner was “summarily” expelled from membership. Petitioner  
3 was criminally convicted by the State of California in Los Angeles County of unlawful sexual  
4 intercourse with a thirteen year-old girl in 1978 and has been a fugitive from the Court’s jurisdiction  
5 for more than four decades. During a regularly scheduled meeting on May 1, 2018, Board members  
6 raised the matter of Petitioner’s membership in light of the Standards of Conduct. Following a  
7 discussion, a motion to expel Petitioner was made, seconded, and then passed with a two-thirds  
8 supermajority vote, consistent with the Academy’s Bylaws and grounded in the Academy’s promotion  
9 of the values of respect for human dignity and categorical opposition to sexual abuse and harassment.  
10 The Academy notified Petitioner of its decision by letter on May 3, 2018.

11           Answering the third and fourth sentences of Paragraph 9, the Academy admits that the  
12 Academy thereafter offered Petitioner an opportunity for reconsideration, that Petitioner sought  
13 reconsideration of the Academy’s decision, and that the Academy met on the morning on January 26,  
14 2019. The Academy denies that it summarily denied Petitioner’s request for reconsideration.  
15 Petitioner was given the opportunity to submit any written information he believed was relevant to the  
16 Academy’s consideration of whether he should or should not remain a member of the Academy.  
17 Petitioner was also invited to either present personally to the Board or to appear *via* videoconference.  
18 Petitioner submitted a ten page letter from his lawyer, an email from his lawyer, and supporting  
19 documents spanning several hundred pages, which were all provided to the Board. The Academy  
20 decided to submit the matter for consideration to the entire Board of Governors for decision at the  
21 October 2018 meeting but postponed the decision at Petitioner’s request. Petitioner thereafter  
22 submitted a videotaped presentation in which he addressed the Board. During a regularly scheduled  
23 meeting on December 10, 2018, the Board considered Petitioner’s submission and played his video  
24 statement for consideration. A lengthy discussion followed, and a vote was taken. In order to ensure  
25 that any Board members absent from the December meeting would have a chance to be heard, the  
26 Board continued the final decision. At its January 26, 2019 meeting, the Board reopened the topic of  
27 Petitioner’s expulsion for discussion and allowed members absent from the December meeting to vote  
28 on Petitioner’s reconsideration request. The final vote total in favor of upholding Petitioner’s removal

1 exceeded a two-thirds supermajority. The Academy admits that, through its counsel, it communicated  
2 the outcome of the vote to Petitioner's counsel on the same day. The Academy otherwise denies each  
3 and every allegation contained in Paragraph 9.

4       11.     Answering Paragraph 10, the Academy denies each and every allegation therein. The  
5 Academy's own Bylaws make clear that the Board enjoys broad discretion to expel members for cause  
6 and do all other acts necessary or expedient for the administration of the affairs and attainment of the  
7 Academy's mission and purposes. Moreover, the Board has discretion to determine the procedure for  
8 a hearing or investigation. An expulsion requires a vote of not less than two-thirds of all the  
9 Governors. The Academy's expulsion of Petitioner, reconsideration of that expulsion in light of  
10 Petitioner's submission, and final upholding of Petitioner's expulsion were all consistent with the  
11 Academy's own Bylaws.

12       The Academy denies that it violated California Corporations Code §§ 7341(b) or (c). The full  
13 circumstances of this case—including Petitioner's admitted unlawful sexual intercourse with a thirteen  
14 year-old minor, his fugitive status, the Academy's paramount interest in upholding respect for human  
15 dignity among its members, and the Academy's invitations to Petitioner to present in writing anything  
16 and everything he thought relevant to expulsion and to present his case to the Board in person or *via*  
17 videoconference—demonstrate that the Academy's expulsion process was fair and reasonable to  
18 Petitioner. The Academy otherwise denies each and every allegation contained in Paragraph 10.

19       12.     Answering Paragraph 11, the Academy denies each and every allegation contained  
20 therein. Petitioner was invited to submit whatever materials he believed were relevant. He did so,  
21 submitting over four hundred pages, including twenty-three exhibits and a detailed memorandum from  
22 his attorney advocating on his behalf. Petitioner later submitted additional materials, including an  
23 email from his attorney and a recorded video statement personally addressing the Board. The Board  
24 continued voting on Petitioner's reconsideration request from its December 2018 meeting to its  
25 January 2019 meeting, so that as many Board members as possible could vote. Ultimately, the Board  
26 upheld Petitioner's expulsion by a more than two-thirds vote.

27       13.     Answering Paragraph 12, the Academy admits the allegations contained therein.

28       14.     Answering Paragraph 13, the Academy admits the allegations contained therein.

1           15.     Answering Paragraph 14, the Academy admits Petitioner has requested that the  
2 Academy produce records of the Academy's action. The Academy otherwise denies each and every  
3 allegation contained in Paragraph 14.

4                               **AFFIRMATIVE DEFENSES**

5           The Academy alleges the following affirmative defenses:

6                               **FIRST AFFIRMATIVE DEFENSE**

7           16.     The Petition is barred by the doctrine of fugitive disentitlement. Petitioner has  
8 been a fugitive for over four decades. He pled guilty to one count of unlawful sexual intercourse  
9 with a minor on August 8, 1977 and subsequently failed to appear for a scheduled sentencing  
10 hearing on February 1, 1978, causing a bench warrant to be issued for his arrest. Fully aware that  
11 he was due in court for sentencing, Petitioner instead fled to France. He has not since returned to  
12 the United States, where criminal proceedings against him remain pending to date.

13                              **SECOND AFFIRMATIVE DEFENSE**

14           17.     With respect to each purported cause of action set forth in the Petition, any of the  
15 acts alleged to have been performed by the Academy, if performed at all, were performed in  
16 accordance with, and justified by applicable law.

17                              **THIRD AFFIRMATIVE DEFENSE**

18           18.     With respect to each purported cause of action set forth in the Petition, any of the  
19 acts alleged to have been performed by the Academy, if performed at all, were performed in  
20 accordance with the Academy's Bylaws, standards of conduct, rules, policies, and regulations.

21                              **FOURTH AFFIRMATIVE DEFENSE**

22           19.     With respect to each purported cause of action set forth in the Petition, any of the  
23 acts alleged to have been performed by the Academy, if performed at all, did not result in  
24 prejudice against the Petitioner, nor did they result in a miscarriage of justice.

25                              **FIFTH AFFIRMATIVE DEFENSE**

26           20.     The Petition and each purported cause of action are barred in whole or in part by  
27 the doctrine of unclean hands.  
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**SIXTH AFFIRMATIVE DEFENSE**

21. The Petition fails to state facts sufficient to state a claim for relief against the Academy.

**PRAYER**

WHEREFORE, the Academy prays for judgment as follows:

1. That Petitioner take nothing by way of the Petition, and that the Petition be denied and dismissed with prejudice;
2. That judgment be entered in favor of the Academy and against Petitioner;
3. For costs of suit incurred herein;
4. For attorney's fees; and

For such other and further relief as the Court may deem just and proper.

DATED: June 10, 2019

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By 

John B. Quinn  
Kristen Bird

Attorneys for Academy of Motion Picture Arts and  
Sciences

**VERIFICATION**

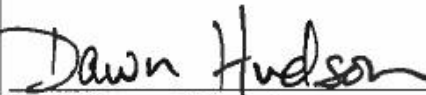
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Answer to Verified Petition for Writ of Administrative Mandamus and know its contents.

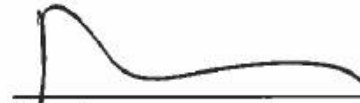
On behalf of Respondent Academy of Motion Picture Arts and Sciences, I hereby verify that the matters stated in the foregoing Answer to Verified Petition for Writ of Administrative Mandamus are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed June 7, 2019, in Los Angeles, California.



Print Name of Signatory



Signature

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of  
3 eighteen years and not a party to the within action; my business address is 865 South Figueroa  
Street, 10th Floor, Los Angeles, California 90017-2543.

4 On June 10, 2019, I served a true copy of the following document(s) described as **ACADEMY'S**  
5 **ANSWER TO VERIFIED PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS**  
on the interested parties in this action as follows:

6 **SERVICE LIST**


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12 *Attorneys for Petitioner Roman Polanski*

13 **BY ELECTRONIC MAIL TRANSMISSION:** By electronic mail transmission from  
14 brantleypepperman@quinnemanuel.com on June 10, 2019, by transmitting a PDF format copy of  
such document(s) to each such person at the e mail address listed below their address(es). The  
15 document(s) was/were transmitted by electronic transmission and such transmission was reported  
as complete and without error.

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct.

18 Executed on June 10, 2019, at Los Angeles, California.

19   
20 \_\_\_\_\_  
Brantley I. Pepperman